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In re application of

Gary D. Childres et al.

Application No. 10/715,007 : DECISION ON REQUEST
Filed: November 17, 2003 : FOR WITHDRAWAL OF
For: RETRACTABLE TERRACE CANOPY : ATTORNEY

This is a decision on the request filed on June 28, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a);
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided;
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

10/715,007

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition A) above.

As to condition A), The request to withdraw as attorney in the above-identified application is not approved because the attorney signing the request does not now have power of attorney in this application.



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KJD/slb: 03/16/06